



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MAR 19 2004

Abraham Chehebar
350 5th Avenue, Apartment 4
New York, New York 10118-0110

Re: MUR 5429

Dear Mr. Chehebar:

On March 9, 2004, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's findings, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

In order to expedite the resolution of this matter, the Commission has also decided to offer to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Enclosed is a conciliation agreement that the Commission has approved.

If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation, and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Beth Mizuno, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,



Bradley A. Smith
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

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**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

MUR 5429

RESPONDENT: Abraham Chehebar

I. INTRODUCTION

This matter was generated based on information ascertained by the Federal Election Commission ("Commission") in the normal course of carrying out its supervisory responsibilities. *See* 2 U.S.C. § 437g(a)(2).

II. FACTUAL AND LEGAL ANALYSIS

A. Law

No person shall make contributions to any candidate and his authorized political committees with regard to any election for Federal office which, in the aggregate, exceed \$1,000. 2 U.S.C. § 441a(a)(1)(A).

If a political committee does not retain the written records concerning designation required under 11 C.F.R. § 110.1(l)(2), the contribution shall not be considered to be designated in writing for a particular election, and the provisions of 11 C.F.R. § 110.1(b)(2)(ii) shall apply. 11 C.F.R. § 110.1(l)(5). If a contribution is not designated in writing by the contributor for a particular election, it will be considered designated for the next election for that Federal office after the contribution is made. 11 C.F.R. § 110.1(b)(2)(ii).

B. Analysis

The Commission's audit of Friends of Weiner included findings that Abraham Chehebar contributed \$4,000 to Friends of Weiner with regard to the 1998 primary election, which exceeds the limitation by \$2,000. *See* 2 U.S.C. § 441a(a)(1)(A). Based on the findings of its audit of

Friends of Weiner, the Commission found there is reason to believe that Abraham Chehebar violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive contribution to Friends of Weiner.

The Commission previously found that Abraham Chehebar contributed an aggregate amount of \$9,000 to Dear for Congress, Inc. in 1998 and thus made an excessive contribution to that campaign of \$8,000. *See* MURs 4935 and 5057.

24-04-402-5600